

REMARKS/ARGUMENTS

Claims 1-43 are pending in the application.

Reconsideration of this application is respectfully requested in view of the accompanying RCE, the foregoing amendments and the following remarks.

In the Specification:

Applicants have supplemented paragraph [0031] of the Specification to clarify the intent of the statement concerning the alternative location of the outlet port/access at positions other than the bottom of the tank. These statements are supported by and are entirely consistent with the drawings and the various alternative embodiments described in the application. Accordingly, no new matter has been added.

In the Claims:

Rejections Under 35 U.S.C. §103(a)

Claims 1, 2, 13 and 41-43 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nolan (US 6,375,437) in view of Lane (US 4,400,187). As noted in the Response dated October 9, 2007, Nolan discloses a conventional air compressor with its air outlet port 32 located near the top of the tanks 24. The Examiner acknowledges that Nolan fails to teach the air outlet port of the compressor positioned at the bottom of the air tank. Similarly, Lane also discloses a conventional air compressor with its air outlet port approximately in the middle of the end surface of the air tank 16. Significantly, Lane also shows what appears to be a conventional drain plug situated below the outlet valve 18 near the bottom of the tank.

Consequently, both of these references are completely devoid of any teaching or suggestion to position the air outlet port proximate to the bottom of the air tank to enable any condensate that accumulates in the bottom of the air tank to be entrained with the compressed air when the compressed air is discharged through the air outlet port during normal usage. Given the location of the air outlet port approximately halfway up the side of the air tank 16 in Lane, it is apparent that a large volume of

water could accumulate in the tank during normal use. Hence the need for the conventional drain plug shown in Lane.

Both independent Claims 1 and 41 have been amended to make clear that the location of the air outlet port is "proximate to the bottom" of the air tank where condensate accumulates. Accordingly, Claims 1 and 41, as well as those claims dependent thereon, are believed to present patentable subject matter over the cited art.

In addition, Claims 15 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Westphal (US 5,399,072) in view of Lane. Westphal discloses an air compressor which the Examiner also acknowledges fails to teach an air outlet port positioned at the bottom of the tank. Again, the Examiner relies upon Lane for this teaching. However, as discussed above, Lane is wholly deficient in this regard. Accordingly, Claims 15 and 16, which have also been amended to clarify the position of the air access port proximate to the bottom of the air tank, are believed to patentably distinguish the present invention over the cited art.

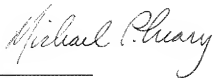
Finally, Claims 28, 29 and 39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Westphal in view of Strubel (US 4,828,131). Claim 39 was previously cancelled by Applicants so it is presumed that reference to Claim 39 in this rejection is in error. Claims 28 and 29 of the present application relate to the alternative embodiment of the present invention illustrated in Figs. 8 and 9 wherein the air access port is positioned near the top of the air tank and includes a conduit positioned inside the air tank having an open end proximate to the bottom of the air tank. Strubel discloses a transport container for liquid chemicals. As such, the container includes an immersion tube 5 that extends from the connection piece 6, through the upper container wall 2 to a position "directly above the deepest place in the middle of the container bottom 3." Applicants will readily concede that it is well known to provide conduits in liquid containers that extend to the bottom of the container to facilitate the greatest emptying of liquid from the container. The fuel tank of every gasoline/diesel vehicle on the road is so equipped. However, this in no way implies or suggests that it is therefore obvious to one of ordinary skill in the air compressor art to provide such a conduit in the tank of an air compressor which by definition stores pressurized air and therefore has no need for a conduit that extends to the bottom of the tank to insure the complete discharge of pressurized air from the

tank. Consequently, there is absolutely no reason, absent Applicants' own disclosure, why one of ordinary skill in the art would consider adding the conduit 5 from Strubel to the air compressor shown in Westphal. Thus, the assertion that it would be obvious to combine the teachings of Strubel and Westphal as suggested by the Examiner is simply not supportable.

Accordingly, remaining independent Claim 28, as well as those claims dependent thereon, are believed to patentably distinguish the present invention over the cited art.

The present application is therefore believed to be in condition for allowance. Favorable reconsideration is respectfully solicited.

Respectfully submitted



Michael P. Leary
Registration No. 41,144
Attorney for Applicant(s)
March 24, 2008

Michael Leary - TW199
The Black & Decker Corporation
701 East Joppa Road
Towson, Maryland 21286
Telephone: (410) 716-2773